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ORDINANCE NO. 2017 \_\_\_\_\_

**An ordinance relating to land use; adopting an amended updated Growth Management Comprehensive Land Use Plan, zoning maps and zoning ordinances; providing for severability; providing an effective date; and requiring notice.**

WHEREAS, the Board of Clark County Councilors (Board) adopted Ordinance 2016-06-12 on June 28, 2016, completing the required 2016 update of the county's comprehensive plan; and

WHEREAS, the comprehensive plan was appealed (Futurewise and Friends of Clark County, and Clark County Citizens United); and

WHEREAS, the Growth Management Hearings Board (Hearings Board) held a hearing on the issues on February 8, 2017; and

WHEREAS, the Hearings Board issued its final decision and order (FDO) on March 23, 2017, remanding a number of issues back to the county; and

WHEREAS, the Board discussed the remanded issues and made decisions about how to respond to them; and

WHEREAS, the Clark County Planning Commission held a duly advertised public hearing on May 18, 2017; and

WHEREAS, the Board held a duly advertised public hearing on June 20, 2017;

Now, Therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

**Section 1. Amendatory.** The 20-Year Clark County Comprehensive Growth Management Plan map for 2015-2035 is amended, as follows:

Resource Lands. All parcels currently designated as Forest Tier 2 with a zoning of FR-20 and hereby changed to FR-40 zoning. All parcels currently designated as Agriculture (AG) with a zoning of AG-10 zoning are hereby changed to AG-20 zoning.

Rural Lands. Parcels listed below are hereby re-designated from a comprehensive plan designation and zoning of R-10 to a comprehensive plan designation and zoning of R-20:

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1 260232000, 260230000, 260214000, 260436000, 260440000, 274124000,  
2 260442000, 261332000, 261285000, 260229000, 260231000, 260233000,  
3 261296000, 260846000, 261286000, 274151000, 261330000, 260868000,  
4 260848000, 274123000, 261296003, 261309000, 260849000, 261315000,  
5 261327000, 260885000, 260869000, 261326000, 261290000, 261317000,  
6 260424000, 260216000, 260211000, 272242000, 261329000, 260890000,  
7 261332005, 272234000, 260865000, 260838000, 260858000, 260887000,  
8 260862000, 260850000, 274148000,  
9  
10 261297000, 261322000, 261298000, 260897000, 273935000, 261314000,  
11 261312000, 261321000, 260895000, 269843000, 261307000, 260898000,  
12 260852000, 262597000, 300022000, 262587000, 263901000, 275019000,  
13 256715000, 262599000, 262633000, 256726005, 256717000, 262598000,  
14 256739000, 256742000, 256729000, 275015000, 275027000, 275021000,  
15 256730000, 256726000, 264145000, 276631000, 265517000, 265509000,  
16 265474000, 265519000, 265516000, 265520000, 208850000, 208845000,  
17 208872000, 208852000, 208876000, 208875000, 208889000,  
18  
19 208853000, 208839000, 208888000, 208877000, 208873000, 208837000,  
20 208886000, 208843000, 208884000, 208885000, 208878000, 208869000,  
21 208836000, 208890000, 208844000, 222561010, 222562000, 222562015,  
22 222562010, 208891000, 208826000, 208880000, 208829000, 208871000,  
23 222561005, 222538000, 222562005, 224342000, 224589000, 224588000,  
24 224582000, 224503000, 233902000, 214699000, 235449000, 216240000,  
25 216239000, 216249000, 216248000, 220446000, 220445000, 216243000,  
26 220439000, 216463000, 216241000, 220442000, 216464000,  
27  
28 220441000, 216462000, 180069000, 193130000, 193121000, 193120000,  
29 193059000, 193123000, 193103000, 193057000, 193110000, 193106000,  
30 193048000, 193047000, 193119000, 193111000, 193114000, 193090000,  
31 193124000, 193070000, 180278000, 180615000, 180557000, 180342000,  
32 180634000, 180288000, 180281000, 180287000, 197618000, 168402000,  
33 180095000, 180096000, 222563000, 222589000, 180094000, 224300000,  
34 224307000, 180093000, 222593000, 222555000, 222561000, 222564000,  
35 225940000, 193054001, 193053000, 193058000, 193049000,  
36  
37 208887000, 256738000, 256740000, 261283000, 208841000, 208842000,  
38 208874000, 208879000, 274130000, 260425000, 260431000, 261306000,  
39 261284000, 193116000, 193050000, 193118000, 193051000, 224590000,  
40 260427000, 260837000, 260889000, 276614000, 260419000, 260218000,  
41 261333000, 261289000, 260844000, 280864000, 260854000, 256497000,  
42 208835000, 208847000, 208834000, 193054002, 193125000, 193108000,  
43 235377000, 235452000, 208830000, 180068000, 233905000,  
44  
45 235376000, 233903000, 235395000, 235451000, 235447000, 986028555,  
46 235450000, 986028554, 222550000, 265518000, 220436000, 222542000,  
47 208825000, 260845000, 260892000, 260896000, 260884000, 220443000,  
48 193129000, 228035000, 227830000, 197679000, 228063000, 228098000,

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228065000, 214679000, 214691000, 260213000, 168401000, 180531000,  
256718000, 986033534, 986033535, 256743000, 208832000, 208833000,  
208838000, 208828000, 222311000, 986034167, 193069000, 193091000,  
260847000, 260839000, 260861000, 193038000,

986035846, 193037000, 216244000, 216242000, 220448000, 986029394,  
216258000, 216259000, 180635000, and 164564000.

Battle Ground UGA. Tax Lots 228346000, 228286000, 228344000, 228347000,  
228339000, 228345000, 228348000, 228310000, 228343000, 228341000,  
228342000, 228273000, 228301000, 228272000, 228340000, 986030989, and  
228300000 are hereby removed from the Battle Ground urban growth area and  
given a comprehensive plan designation and zoning of R-5.

**Section 2. Amendatory.** The 20-Year Clark County Comprehensive  
Growth Management Plan text for 2015-2035 is amended, as follows:

## Land Use Element (Chapter 1)

Interpretation of the 20-Year Plan Map (page 31)

Table 1.4. Rural Lands Plan Designation to Zone Consistency Chart

Comprehensive Plan	Zoning
<u>Rural 5 (R-5)</u>	Rural <u>5</u> (R-5)
<u>Rural 10 (R-10)</u>	Rural <u>10</u> (R-10)
<u>Rural 20 (R-20)</u>	Rural <u>20</u> (R-20)
<u>Rural (R)</u>	Airport (A)
Rural Center (RC)	Rural Center (RC-1) Rural Center (RC-2.5)
Rural Commercial (CR)	Rural Commercial (CR-1) Rural Commercial (CR-2)
Rural Industrial (RI)	Heavy Industrial (IH) Airport (A)
Public Facility (PF)	Public Facility (PF) Airport (A)
Rural Industrial Land Bank (RILB)	Light Industrial (IL)
<u>Urban Reserve (UR)</u>	<u>Urban Reserve (UR-10)</u> <u>Urban Reserve (UR-20)</u>

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Table 1.5. Resource Lands Plan Designation to Zone Consistency Chart.

Comprehensive Plan	Zoning
Agriculture (AG)	Agriculture (AG-4020)
Agri-Wildlife (AG/WL)	Agri-Wildlife (AG/WL)
Forest Tier II	Forest (FR-2040)
Forest Tier I	Forest (FR-80)
Airport (A)	Airport (A)

## Rural Lands (pages 36-37)

The Rural (R) designations are intended to provide lands for residential living in the rural area. Natural resource activities such as farming and forestry are allowed and encouraged to occur as small scale activities in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices. The Rural 5, 10 and 20 comprehensive plan designations are implemented with corresponding Rural 5, 10, and 20 base zones. ~~implement this designation.~~ A Rural 10 designation is ~~are~~ applied within the rural area to prevent premature subdivision of future urban areas where the lands are adjacent to designated Urban Reserves, and where the predominant size is ~~are~~ equal or greater than 10 acres. Rural 10 parcels act as a buffer to Natural Resource lands and protects environmentally critical areas consistent with applicable county ordinance and related regulations. This allows for efficient urban development when land is added to the urban growth areas. A Rural 20 map designation applies to rural areas where the lands act as a buffer to Natural Resource designated lands, are used for small scale forest or farm production, and contain significant environmentally constrained areas as defined by applicable county code and related regulations.

\*\*\*\*\*

## Urban Reserve (UR)

Urban reserve (UR) lands are on the fringe of the Urban Growth Boundaries. This designation is intended to protect areas from premature land division and development that would preclude efficient transition to urban development. Areas designated as Industrial Urban Reserve are intended for future urban industrial development and are implemented by a UR-20 base zone. Areas intended for future urban residential and commercial development and are implemented by the UR-10 base zone. These areas are identified as being future additions to Urban Growth Areas. These lands may be added to the urban area, as necessary through amendments to the 20-Year Plan.

Limited areas of designated resource lands may be included within the urban reserve areas. These resource lands should be limited in size and be subject other factors which limit its long term significance as resource lands such as surrounding land uses.

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adjacency to urban growth areas, logical urban service areas and the lack of other suitable areas for future urban growth. These areas will be identified on the Comprehensive Plan Map with the appropriate resource designation with an Urban Reserve Overlay or Industrial Reserve Overlay and zoned with the appropriate resource district. These lands will be protected as resource lands but may be added to the urban area, as necessary through amendments to the 20-Year Plan.

### Resource Lands (page 37)

#### Agriculture Lands (AG)

These lands have the growing capacity, productivity; soil composition and surrounding land use to have long-term commercial significance for agriculture and associated resource production. This designation is implemented by the Agriculture (AG-20) ~~(AG-40)~~ base zone.

#### Agriculture/Wildlife (AG/WL)

This designation is applied to areas in the Columbia River lowlands which have the characteristics to support long-term commercially-significant agriculture and are valuable seasonal wildlife habitat. The primary uses in this area are commercial agriculture, wildlife habitat management and recreation. This designation is implemented by the Agriculture/Wildlife (AG/WL) base zone.

#### Forest Tier I

This designation is applied to those lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources such as minerals. This tier is primarily applied to larger parcels and major industrial forestry landowners. The Forest-80 (FR-80) base zone, implements this designation.

#### Forest Tier II

This designation is applied to those lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals. The Forest-40 (FR-40) ~~Forest-20 (FR-20)~~ base zone implements this designation.

### Overlays (pages 37-39)

#### ~~Urban Reserve Overlay~~ (page 38)

~~The Urban Reserve Overlay lies on the fringe of the Urban Growth Boundaries and protects areas from premature land division and development that would preclude efficient transition to urban development. These lands are identified as being future additions to Urban Growth Areas and may be added to the urban area as necessary~~

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through amendments to the Comprehensive Plan. The Urban Reserve Overlay is implemented by Urban Reserve-10 (UR-10) zoning overlay for future urban residential development and Urban Reserve-20 (UR-20) zoning overlay for all other types of future urban development.

## Rural and Natural Resource Element (Chapter 3)

Rural Land Distribution (page 82)

Table 3.1 Acreage Totals Based on 1994, 2007 and 2016 Zoning Categories.

Zoning	Acres 1994	Acres 2007	Acres 2016
R-5, R-10, R-20	105,102	100,117	102,213
AG-20, AG-40 <sup>+</sup> , AG-WL	39,802	35,760	37,460
FR-40, FR-20 <sup>+</sup> , FR-80	157,516	158,068	158,099

\*Zoning changed from AG-20 and FR-40 in the 2016 plan update.

Rural Lands (page 91)

Policy 3.2.3 Those areas with a Rural Comprehensive Plan designation of Rural 5, Rural 10, and Rural 20 shall have a residential density of one dwelling unit per 5, 10, and 20 acres (R-5, R-10, and R-20), respectively.

Forest Lands (page 93)

Policy 3.4.3 Those areas with Forest Tier I and Forest Tier II Comprehensive Plan designations shall have a residential density of one dwelling unit per 80 and 40-20 acres (FR-80 and FR-40 FR-20), respectively.

Agriculture Lands (page 94)

Policy 3.5.3 Those areas with Agriculture Comprehensive Plan designations shall have a residential density of one dwelling unit per 20-40 acres (AG-20 AG-40).

Rural Industrial Land Bank (page 97)

Policy 3.8.1. Designate a rural industrial land bank that is compatible with surrounding land uses and that creates long term value for both the community and the industrial users. The maximum size of industrial land bank sites shall be 700 acres.

**Section 3. Amendatory.** Clark County Code (CCC) Title 40 Table of Contents, as amended previously by Ordinance 2016-06-12, is amended, as shown in Exhibit 1.

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**Section 4. Amendatory.** CCC Section 40.100.070, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 2.

**Section 5. Amendatory.** CCC Section 40.200.020, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 3.

**Section 6. Amendatory.** CCC Section 40.200.040, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 4.

**Section 7. Amendatory.** CCC Section 40.210.010, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 5.

**Section 8. Amendatory.** CCC Section 40.260.030, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 6.

**Section 9. Amendatory.** CCC Section 40.260.050, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 7.

**Section 10. Amendatory.** CCC Section 40.260.115, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 8.

**Section 11. Amendatory.** CCC Section 40.260.160, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 9.

**Section 12. Amendatory.** CCC Section 40.260.170, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 10.

**Section 13. Amendatory.** CCC Section 40.260.210, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 11.

**Section 14. Amendatory.** CCC Section 40.260.250, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 12.

**Section 15. Amendatory.** CCC Section 40.310.010, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 13.

**Section 16. Amendatory.** CCC Section 40.320.010, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 14.

**Section 17. Amendatory.** CCC Section 40.510.010, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 15.

**Section 18. Amendatory.** CCC Section 40.510.020, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 16.

**Section 19. Amendatory.** CCC Section 40.510.030, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 17.



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**Section 20. Amendatory.** CCC Section 40.530.010, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 18.

**Section 21. Amendatory.** CCC Section 40.540.020, as previously amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 19.

**Section 22. Amendatory.** CCC Section 40.560.010, as previously amended by Ordinance 2016-06-12, is amended as shown in Exhibit 20.

**Section 23. Repealer.** CCC Section 40.250.100 Urban Reserve Overlay is repealed.

**Section 24. New.** A new CCC Section 40.210.041 Urban Reserve Districts is adopted as shown in Exhibit 21.

**Section 25. Severability.** If any section, clause, or phrase of this ordinance should be held invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 26. Instructions to the Clerk.** The Clerk of the Board shall:

1. Transmit a copy of this ordinance to the Washington Department of Commerce within ten days of its adoption, pursuant to RCW 36.70A.106;
2. Record a copy of this ordinance with the Clark County Auditor;
3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.
4. Transmit a copy of this ordinance to the School District Consortium (Marnie Allen).
5. Transmit a copy of this ordinance to Clark County Geographic Information Systems (Ken Pearrow, GIS Coordinator), to Community Planning (Oliver Orjiako, Director), to Community Development (Debra Weber, Tidemark Data Manager and Marty Snell, Director) and to Public Works (Heath Henderson, Director and Carolyn Heniges, Manager)
6. Transmit a copy of this ordinance to the Cities of Battle Ground, Camas, La Center, Ridgefield, Washougal, Woodland, and Vancouver, and the Town of Yacolt.
7. Transmit a copy of this ordinance to the Ports of Camas/Washougal, Ridgefield, Vancouver and Woodland.
8. Transmit a copy of this ordinance to the Columbia River Economic Development Council (Mike Bomar, President).

**Section 27. Effective Date.** This ordinance shall go into effect ten (10) days after adoption as provided by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.



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BOARD OF COUNTY COUNCILORS  
FOR CLARK COUNTY, WASHINGTON

Attest:

Clerk to the Board

By: \_\_\_\_\_  
Marc Boldt, Chair

Approved as to Form Only:  
Anthony F. Golik  
Prosecuting Attorney

By: \_\_\_\_\_  
Jeanne Stewart, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
Christine Cook  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Eileen Quiring, Councilor

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## EXHIBIT 1

Title 40 Clark County, Washington, Unified Development Code

## TABLE OF CONTENTS

### Chapter 40.210 Resource and Rural Districts

40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, ~~FR-20~~, AG-20, ~~AG-10~~, AG-WL)

40.210.020 Rural Districts (R-20, R-10, R-5)

40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)

40.210.041 Urban Reserve Districts (UR10, UR-20)

40.210.050 Rural Commercial Districts (CR-1, CR-2)

### Chapter 40.250 Overlay Districts

40.250.010 Airport Environs Overlay Districts (AE-1, AE-2)

40.250.022 Surface Mining Overlay District

40.250.030 Historic Preservation

40.250.040 Resort Overlay

40.250.050 Highway 99 Overlay District

40.250.060 Mill Creek Overlay District

40.250.070 Railroad Overlay District (RR)

40.250.080 Rural Center Mixed Use Overlay District (RC-MX)

40.250.090 Equestrian Overlay

~~40.250.100 Urban Reserve Overlay (UR-10, UR-20)~~

40.250.110 Urban Holding Overlay (UH-10, UH-20)

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## EXHIBIT 2

### 40.100.070 DEFINITIONS

Lot area, rural	<p>“Lot area, rural” means is the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"><li>• Private driveway easements,</li><li>• On-site road easements,</li><li>• One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.</li></ul> <p>For the purposes of this definition, “rural lot area” applies to urban reserve (UR-10 <u>and</u> UR-20 <del>and UR-40</del>), urban holding (UH-10<sub>±</sub> <del>and UH-20<sub>±</sub> and UH-40</del>), rural (R-5, R-10 and R-20), agricultural (<del>AG-10</del> <u>AG-20</u> <u>and AG-WL</u>) and forest resource (<del>FR-20</del> <u>FR-40</u> and FR-80) districts.</p>
Lot area, urban	<p>“Lot area, urban” means is the computed area contained within the lot lines in urban districts, to include private driveway easements, and excluding street and alley rights-of-way, street easements, and street tracts.</p> <p>For the purposes of this definition, “urban lot area” does not apply to the urban holding zones (UH-10<sub>±</sub> <del>and UH-20<sub>±</sub> and UH-40</del>).</p>

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## EXHIBIT 3

### 40.200 LAND USE DISTRICTS – GENERAL PROVISIONS

#### 40.200.020 ZONING CLASSIFICATIONS

##### A. Classification of Zoning Districts.

For the purposes of this title, the county is divided into zoning districts designated as shown in Table 40.200.020-1.

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
RESOURCE AND RURAL DISTRICTS (40.210)				
Forest and Agriculture	FR-80, <del>FR-40</del> , <del>FR-20</del> , <u>AG-20</u> , <del>AG-10</del>		X	40.210.010
Agricultural-Wildlife	AG-WL		X	
Rural	R-20, R-10, R-5		X	40.210.020
Rural center residential	RC-1, RC-2.5		X	40.210.030
<u>Urban Reserve</u>	<u>UR-10, UR-20</u>		<u>X</u>	<u>40.210.041</u>
URBAN AREA RESIDENTIAL DISTRICTS (40.220)				
Single-family residential	R1-20, R1-10, R1-7.5, R1-6, R1-5	X		40.220.010
Residential	R-12, R-18, R-22, R-30, R-43	X		40.220.020
Office residential	OR-15, OR-18, OR-22, OR-30, OR-43	X		
COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS (40.230)				
Rural commercial	CR-1, CR-2		X	<u>40.210.050</u>
Neighborhood commercial	NC	X		40.230.010
Community commercial	CC	X		

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Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
General commercial	GC	X		
Mixed use	MX	X		40.230.020
Business park	BP	X		40.230.030
University	U	X		40.230.050
Airport	A	X	X	40.230.060
Light industrial	IL	X		40.230.085
Heavy industrial	IH	X	X	
Public Facilities	PF	X	X	40.230.090
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICTS (40.240)				
Gorge Large-Scale Agriculture	GLSA-80, GLSA-40		X	40.240
Gorge Small-Scale Agriculture	GSSA-20		X	
Gorge Small Woodland	GSW-40, GSW-20		X	
Gorge Open Space	GOS		X	
Gorge Residential	GR-5		X	
Gorge Public Recreation	GPR		X	
Gorge SMA Agriculture	GSAG		X	
Gorge SMA Federal Forest	GSFF		X	
Gorge SMA Non-Federal Forest	GSNFF		X	
Gorge SMA Open Space	GSOS		X	
OVERLAY DISTRICTS (40.250 and 40.460)				

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Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
Airport Environs	AE-1, AE-2	X	X	40.250.010
Surface mining	S	X	X	40.250.022
Historic Preservation		X	X	40.250.030
Shoreline	SL	X	X	40.460
Highway 99	TC-1	X		40.250.050
Mill Creek	MC	X		40.250.060
Equestrian	EQ	X	X	40.250.090
<del>Urban reserve</del>	<del>UR-20, UR-10</del>		<del>X</del>	<del>40.250.100</del>
Urban holding	UH-20, UH-10	X		40.250.110

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## EXHIBIT 4

### 40.200 LAND USE DISTRICTS – GENERAL PROVISIONS

#### 40.200.040 MINIMUM AND MAXIMUM CALCULATIONS

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#### C. Lot Area Calculations.

1. Lot area is the computed area contained within the lot lines.
  - a. In the urban area, except for the UH zones, lot area excludes street and alley rights-of-way, street easements, and street tracts.
  - b. In the urban reserve (UR-10 and UR-20 ~~and UR-40~~), urban holding (UH-10, and UH-20 ~~and UH-40~~), rural (R-5, R-10 and R-20), agricultural (AG-20 ~~AG-40~~ and AG-WL) and forest resource (FR-40 ~~FR-20~~ and FR-80) districts, lot area includes on-site road easements, and one-half (1/2) the width, or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.
  - c. Driveways are included in lot area in all zones.
2. One lot within a proposed subdivision, short plat or exempt division shall be considered in compliance with the minimum lot area requirements if it is within ten percent (10%) of the required lot area for the zone. To utilize this provision in the R1-5 and R1-6 zones, one lot may be excluded from the average minimum lot calculations and the ten percent (10%) lot area reduction may be applied to the excluded lot. The provisions of this section shall not apply to developments utilizing the following:
  - a. Density transfer (Section 40.220.010(C)(5));
  - b. Rural cluster (Section 40.210.020).



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## EXHIBIT 5

### 40.210 RESOURCE AND RURAL DISTRICTS

#### 40.210.010 FOREST, AGRICULTURE AND AGRICULTURAL-WILDLIFE DISTRICTS (FR-80, ~~FR-40~~, ~~FR-20~~, AG-20, ~~AG-10~~, AG- WL)

##### A. Purpose.

1. Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest I policies of the comprehensive plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.
2. Forest ~~4020~~ District. The purpose of the Forest 4020 district is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals.
3. Agriculture ~~2040~~ District. The purpose of the Agriculture 2040 district is to encourage the conservation of lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production.
4. Agricultural-Wildlife. The purpose of the AG-WL district is to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

##### B. Uses.

The uses set out in Table 40.210.010-1 are examples of uses allowable in the various resource zone districts. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
- “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

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Table 40.210.010-1. Uses.					
	FR-80	FR- <del>4020</del>	AG- <del>2040</del>	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings and accessory buildings	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	40.260.010
b. Guest house	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Adult family homes	P	P	P	P	40.260.190
e. Home business – Type I	P	P	P	P	40.260.100
f. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. Garage sales	P	P	P	P	40.260.090
j. Temporary dwellings	P	P	P	X	40.260.210
2. Services, Business.					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside farm stand	P	P	P	P	40.260.025
c. Agricultural market	P	P	P	X	40.260.025
d. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	X	40.260.110
e. Private kennels	P	P	P	P	40.260.110
f. Animal boarding and day use facilities	P	P	P	X	40.260.040
3. Services, Amusement. <sup>10</sup>					
a. Public recreation, scenic and park use <sup>10</sup>	P	P	P	C <sup>3</sup>	
b. Public interpretive/educational uses <sup>10</sup>	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts <sup>10</sup>	P	P	P	X	
d. Public recreation accessways, trails,	P	P	P	P	

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Table 40.210.010-1. Uses.					
viewpoints, and associated parking <sup>10</sup>					
e. Regional recreational facilities designed and developed through a public master planning process <sup>10</sup>	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C <sup>3</sup>	
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
4. Services – General.					
a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
5. Services, Membership Organization.					
a. Churches	X	C	C	X	
6. Services, Educational. <sup>10</sup>					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
7. Public Service and Facilities. <sup>10</sup>					
a. Ambulance dispatch facilities <sup>10</sup>	C	C	C	C	40.260.030
b. Government facilities <sup>10</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>5</sup>	
c. Public corrections facilities <sup>10</sup>	C	C	C	X	
8. Resource Activities.					
a. Agricultural	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	

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Table 40.210.010-1. Uses.					
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105
m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	P	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	P	C	40.260.240
c. Wireless communications facilities	P/C <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200

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Table 40.210.010-1. Uses.					
f. Private use landing strips for aircraft	C	C	C	X	40.260.170
g. New cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	X	X	X	C	
h. Expansion of existing cemeteries	P	P	P	P	
i. Temporary uses	P	P	P	P	40.260.220
j. Electric vehicle infrastructure	P	P	P	P	40.260.075
k. Marijuana-related facilities	X	X	X	X	

<sup>1</sup> One (1) single-family dwelling on legal lot or legal nonconforming lot of record.

<sup>2</sup> One (1) guesthouse in conjunction with a single-family dwelling or mobile home.

<sup>3</sup> Public, where no public master planning process has been completed or private outdoor recreational facilities requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the fragile resources of this area. In addition to those findings as specified by Section 40.520.030 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:

- There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
- The subject site cannot be put to any reasonable economic use which is provided for in this section.

<sup>4</sup> Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

<sup>5</sup> Limited to fire stations only.

<sup>6</sup> Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, furbearing animals, and honeybees including feedlot operations, animal sales yards, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.

<sup>7</sup> Additional surface mining and associated activities subject to zone change to add the surface mining overlay district, Section 40.250.020.

<sup>8</sup> Commercial uses supporting resource uses, such as packing, first stage processing and processing which provides value added to resource products. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh operations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing ten thousand (10,000) board feet per day or less, and other uses involved in the harvesting of forest products.

<sup>9</sup> See Table 40.260.250-1.

<sup>10</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

## C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-2 and 40.210.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

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Table 40.210.010-2. Lot Requirements.				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 <sup>1</sup> or legally described as one-eighth (1/8) of a section	660 <sup>2</sup>	None
FR- <del>4020</del>	All Uses	<del>20</del> <sup>40</sup> <sup>1</sup> or legally described as one-thirty-second (1/32) sixteenth (1/16) of a section	660 <sup>2</sup>	None
AG- <del>2040</del>	All Uses	<del>40</del> <sup>20</sup> <sup>1</sup> or legally described as one-sixth-fourth (1/64) thirty-second (1/32) of a section	660 <sup>2</sup>	None
AG-WL	Agricultural	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Wildlife game management	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160 or legally described as one-fourth (1/4) of a section	None	None
	Plant nurseries	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Silviculture	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

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<sup>1</sup> The following uses may be permitted on newly approved lots of less than the minimum parcel size:

a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.

b. Dams for flood control and hydroelectric generating facilities.

<sup>2</sup> Minimum lot width – One hundred forty (140) feet for legal lots created under Section 40.210.010(D).

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Table 40.210.010-3. Setbacks, Lot Coverage and Building Height.						
Zoning District	Minimum Setbacks <sup>1</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
FR-80	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
FR- <del>4020</del>	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG- <del>2040</del>	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-WL	None	None	None	None	N/A	None

<sup>1</sup> See Section 40.530.010(D)(2) for nonconforming lots.

<sup>2</sup> From public road right-of-way or private road easement.

<sup>3</sup> All structures.

<sup>4</sup> Residential buildings only.

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

3. Previous Land Divisions.

a. Within the FR-80, FR-~~4020~~ and AG-~~2040~~ districts, until the affected property is included within an urban growth boundary, no remainder lot of a previously approved agriculture or forest district "cluster" land division or lot reconfiguration shall be:

(1) Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or

(2) Reduced by a total of more than one (1) acre.

b. Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.

c. Exceptions to Subsections (C)(3)(a) and (b) of This Section. A remainder lot with an existing residence may be short platted further to contain the residence on its own lot, subject to the following:

(1) Process. Creation of the new lot is subject to the requirements of Section 40.540.030.

(2) Lot Size. The new lot shall be sized to require the minimum reduction in the remainder lot, but still meet minimum requirements of this section and for on-site sewage disposal as required by the Clark County Public Health.

(3) The new lot may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.

(4) A building envelope containing the existing residence and accessory buildings shall be established within the new lot, subject to the following:

(a) A minimum one hundred (100) foot setback between the envelope



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and the remainder parcel is maintained, unless it can be shown that a lesser setback with existing or proposed landscaping or existing vegetation will provide the same or greater buffering. In no case shall a setback less than fifty (50) feet be approved.

(b) A minimum twenty (20) foot setback between the envelope and other cluster lots is maintained.

(5) A note shall be placed on the plat stating the following:

The residential property is adjacent to agricultural or forest lands on which a variety of resource-related activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

(6) An open space, farm or forest management plan is required for the remainder parcel, which shall prohibit additional residential development. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on site. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified through a Type II process. A note shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the remainder parcel. The note and covenant shall also incorporate the management plan, as described above.

4. Nonconforming lots may be reconfigured pursuant to Section 40.530.020(B).

### D. Nonconforming Lots – Lot Reconfiguration Standards.

1. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership, reduce the amount of road and utility construction and, within the FR-80, FR-~~4020~~ and AG-~~4020~~ districts, to protect and buffer designated resource lands.

2. Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural residential planned unit developments, these substandard lots may be modified where consistent with the following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction in size subject to a Type II review:

a. Existing parcel(s) is:

(1) smaller than the minimum lot size established for new lots in the

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- 1 applicable zoning district. Parcels which meet the minimum lot size may  
2 be adjusted as a part of this process, but may not be decreased below  
3 the established minimum lot size.
- 4 (2) determined to be legally created, and be reasonably buildable. Within  
5 the FR-80, FR-2040 and AG-4020 districts, this section authorizes lot  
6 reconfiguration only where existing divisions are determined to have a  
7 reasonable probability of developing. For the purposes of this section  
8 the review authority shall determine whether the existing lots are  
9 reasonably buildable by considering the following: road access, septic  
10 suitability, topography, costs of providing infrastructure and the presence  
11 of sensitive land.
- 12 b. Proposed parcel(s) results in the following:
- 13 (1) No additional parcels;
- 14 (2) Have septic suitability approval;
- 15 (3) Have adequate potable water at the time of occupancy, subject to  
16 Section 40.370.020;
- 17 (4) Each resulting legal nonconforming parcel shall be at least one (1) acre  
18 in size with a minimum width of at least one hundred forty (140) feet;  
19 and
- 20 (5) In addition, within the FR-80, FR-2040 and AG-4020 districts:
- 21 (a) The location of the resulting reconfigured lots shall have the least  
22 impact on sensitive and resource lands;
- 23 (b) Access to reconfigured lots shall meet the minimum standards  
24 necessary to obtain a building permit;
- 25 (c) The remainder lot shall not be further subdivided or reduced in size  
26 unless the affected property is included within an urban growth  
27 boundary;
- 28 (d) Reconfigured lots shall not be further adjusted by boundary line  
29 adjustment without approval under this section.
- 30 c. Reconfigured lots shall result in achieving one (1) or more of the identified  
31 public interest issues in Section 40.210.010(D)(1).
- 32 3. Lot Requirements. The setback, dimensional, use and height standards for  
33 these lots shall be as established for the Rural-5 (R-5) district except that  
34 reductions in side and rear setbacks shall be granted where necessary to  
35 permit construction of a dwelling on the parcel; providing, when the parcel is  
36 abutting, or surrounded by, property zoned for resource uses, the minimum  
37 setback from those property lines shall be fifty (50) feet for all structures.
- 38 4. The review authority may impose conditions on the lot reconfiguration to further  
39 the purposes of this section.
- 40 5. Lot reconfigurations shall be finalized upon the filing of a record of survey or  
41 covenant.

### ~~E. Land Divisions in the AG-10 and FR-20 Zones.~~

#### ~~1. Purpose.~~

~~a. The purpose of subsection 40.210.010(E) is to provide for smaller lot residential development in the resource zoning districts (AG-10 and FR-20) which maintains and conserves larger remainder parcels or open space for agricultural and forest uses, protects and/or enhances sensitive environmental and wildlife habitat~~

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1 areas, and minimizes impacts to necessary public services. These goals are achieved  
2 by allowing the placement of homes on a small portion of the property while  
3 maintaining the majority of the site for agricultural and forestry uses. This is consistent  
4 with the goals and policies of the Growth Management Act, especially the provisions  
5 for innovative development techniques to conserve resource lands.

6 b. ~~The provisions of this subsection shall apply to all land divisions in the AG-10  
7 and FR-20 zoning districts after July 1, 2016.~~

8 c. ~~Available options for land division are authorized:~~

9 (1) ~~Pursuant to Chapter 40.540 and Section 40.210.010(E)(3); or~~

10 (2) ~~Pursuant to Chapter 40.540 and by using the cluster provisions in Section  
11 40.210.010(E)(4).~~

12 d. ~~In the AG-10 zoning district:~~

13 (1) ~~Land divisions that result in parcels twenty (20) acres (or lots capable of being  
14 described as 1/32 of a section) in size or larger are allowed under the exemption  
15 provisions of Section 40.540.020(B)(4)(b).~~

16 (2) ~~Land divisions that result in parcels less than (20) acres in size must be platted  
17 and meet the additional requirements of this chapter.~~

18 e. ~~In the FR-20 zoning district, land divisions that result in parcels less than (40)  
19 acres in size must be platted and meet the additional requirements of this chapter.~~

20 f. ~~Previously approved cluster or lot reconfiguration remainder lots are not eligible  
21 to use the provisions of this section.~~

22  
23  
24 2. Definitions. For the purposes of this subsection, the following definitions shall apply:  
25

Building envelope	<del>"Building envelope" means that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure and utilities.</del>
Critical lands	<del>"Critical lands" mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.</del>
Remainder parcel	<del>"Remainder parcel" means the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to resource or open space use.</del>

26  
27 3. ~~Development standards for subdivisions or short plats.~~

28 a. ~~A subdivision or short subdivision is allowed at a maximum density equivalent~~

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1 to that which would be permitted by applying the otherwise applicable minimum lot  
2 size requirements of this section. The density shall be based on one hundred percent  
3 (100%) of the gross area of the site.

4 b. ~~Building envelopes shall be shown on the plat and shall be located, as follows:~~

5 (1) ~~to include the dwelling, utilities, and all non-agricultural and non-forest~~  
6 ~~structures;~~

7 (2) ~~be limited to one (1) acre in size, unless a larger size is required by Clark~~  
8 ~~County Public Health. In no case shall building envelopes exceed one and a half (1.5)~~  
9 ~~acres in size;~~

10 (3) ~~to minimize conflicts between housing and agricultural or forest uses;~~

11 (4) ~~as close as possible along parent property boundary lines and existing roads,~~  
12 ~~to minimize the need for new roads and driveways;~~

13 (5) ~~to avoid critical areas, including fish and wildlife habitat areas, riparian corridors,~~  
14 ~~geologic hazard areas, areas of significant natural vegetation, wetlands, prominent~~  
15 ~~hillsides, meadows, ridges, and any buffers associated with the above areas;~~

16 (6) ~~if located on agriculturally zoned land, and to the extent not precluded by other~~  
17 ~~provisions of this subsection, to be limited to lands with poor soils or soils otherwise~~  
18 ~~unsuitable for agriculture purposes; and~~

19 (7) ~~to allow for a buffer from abutting resource uses.~~

20 c. ~~Remainder parcel.~~

21 (1) ~~The remainder parcel shall be contiguous. Fragmentation of the parcel by~~  
22 ~~public or private road easements and/or building sites shall not occur unless no other~~  
23 ~~reasonable alternative exists. Remainder parcels shall also be located adjacent to~~  
24 ~~other bordering remainder parcels or public parks and open space, if practical.~~

25 (2) ~~The remainder parcel shall be non-buildable and used for the agriculture and~~  
26 ~~forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as open space.~~

27 (3) ~~A farm or forest management plan is required for the remainder parcel. The~~  
28 ~~plan shall be submitted and approved with the preliminary application. The plan shall:~~

29 (a) ~~identify permitted uses and management of the parcel so that it maintains~~  
30 ~~designated agricultural or forest functions and provides for the protection of all critical~~  
31 ~~areas;~~

32 (b) ~~identify the responsibility for maintaining agriculture or forest uses on the~~  
33 ~~parcels; and~~

34 (c) ~~include any construction activities (for example, fencing or agricultural~~  
35 ~~buildings) and vegetation clearing that may occur on-site.~~

36 ~~If in current use, the plan submitted for the current use taxation program shall suffice~~  
37 ~~for meeting this requirement.~~

38 (4) ~~A note shall be placed on the plat that the remainder parcel shall not be further~~  
39 ~~subdivided or reduced in size unless brought into an urban growth area. In addition, a~~  
40 ~~restrictive covenant shall be recorded that clearly state that only the above uses are~~  
41 ~~permitted on the parcel. The note and covenant shall also incorporate the~~  
42 ~~management plan, as described above~~

43 d. ~~Lot Requirements. New lots and structures and additions to structures subject~~  
44 ~~to this section shall comply with the applicable standards for lots and building height,~~  
45 ~~and setbacks in Tables 40.210.010-4 and 40.210.010-5, subject to the provisions of~~  
46 ~~Chapter 40.200 and Section 40.550.020.~~

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<b>Table 40.210.010-4. Lot Requirements -- FR-20 and AG-10 Cluster Developments</b>			
Lot Type	Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	1 acre <sup>1</sup>	140	140
Remainder Lot	85% or greater of the parent parcel <sup>2</sup>	None	None

<sup>1</sup> ~~Unless a larger size is required by Clark County Public Health. In no case shall a cluster lot exceed one and a half (1.5) acres in size. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).~~

<sup>2</sup> ~~The minimum standard for remainder parcels controls the maximum size of cluster lots.~~

<b>Table 40.210.010-5. Setbacks, Lot Coverage and Building Height -- FR-20 and AG-10 Cluster Development</b>						
Zoning District and Lot Type	Location or Structure Type	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
		Front (feet)	Side (feet)	Rear (feet)		
FR-20 and AG-10 Cluster Lots	Residential or agricultural structures abutting a cluster lot	20	20	20	N/A	35 <sup>2</sup>
	Residential structures abutting a resource district	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>		
	Agricultural structures	20	20	20		
	Vehicle entry gates	20	20	20		
	All other situations	50	20	50		

<sup>1</sup> ~~Except in cases where it can be shown that requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.~~

<sup>2</sup> ~~Residential buildings only.~~

e. ~~Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.~~

(1) ~~No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.~~

(2) ~~To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not~~

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1 ~~limited to rock walls, fences, functional and structurally safe farm buildings,~~  
2 ~~monuments and landscape features.~~

3 ~~f. — Landscaping Standards. Cluster developments shall be landscaped within the~~  
4 ~~cluster lots to reduce views of the development from public right(s) of way, so that a~~  
5 ~~filtered view is provided of the cluster and the cluster does not dominate the~~  
6 ~~landscape.~~

7 ~~(1) — At a minimum, proposed or existing landscaping and vegetation shall be of~~  
8 ~~sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty~~  
9 ~~percent (50%) opaque year round within three (3) years of planting. New landscaping~~  
10 ~~materials shall consist of native vegetation as provided on the Clark County plant list~~  
11 ~~(see the Standard Details Manual). A combination of trees and shrubs must be used.~~

12 ~~(2) — All landscaping shall be installed prior to final plat unless financial~~  
13 ~~guarantees are made for its installation prior to any building permit activity. Any~~  
14 ~~required landscaping materials that fail to survive within the first two (2) years shall be~~  
15 ~~promptly replaced.~~

16 ~~g. — Notice of Resource Activities. For any areas abutting property zoned for~~  
17 ~~agricultural or forestry uses, the following notice shall be recorded as part of the~~  
18 ~~Developer Covenants to Clark County for each parcel within the cluster:-~~

19  
20 ~~"The subject property is adjacent to commercial agricultural or forest lands on which a~~  
21 ~~variety of commercial activities may occur that are not compatible with residential~~  
22 ~~development. Potential discomforts or inconvenience may include, but are not limited~~  
23 ~~to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including~~  
24 ~~aircraft) during any twenty four (24) hour period, storage and disposal of manure, and~~  
25 ~~the application by spraying or otherwise of chemical fertilizers, soil amendments,~~  
26 ~~herbicides and pesticides."~~

## 31 EXHIBIT 6

### 33 40.260 SPECIAL USES AND STANDARDS

#### 35 40.260.030 AMBULANCE DISPATCH FACILITY

37 A. In the R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15,  
38 OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, FR-40 FR-20, AG-20 AG-  
39 40, and AG-WL districts, an ambulance dispatch facility may be permitted upon  
40 issuance of a conditional use permit; provided, that the site has a minimum lot size  
41 of ten thousand (10,000) square feet in the urban area and should be on a street  
42 designated as an arterial on the county's comprehensive plan.

44 B. Properties will develop per the standards of the current zone.

46 C. Once a property has been developed as a public facility, a docket is required to  
47 change the comprehensive plan designation from the current zone to the Public  
48 Facility zone.

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## EXHIBIT 7

### 40.260 SPECIAL USES AND STANDARDS

#### 40.260.050 BED AND BREAKFAST ESTABLISHMENTS

##### A. Purpose.

This section provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses for a purpose which has been found to be compatible with residential uses. These regulations enable owners to protect and maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

##### B. Use-Related Regulations.

1. A bed and breakfast establishment must be accessory to a household living on the site. This means that an individual or family who operates the establishment must own and occupy the house as their primary residence. The house must have been used as a residence for at least a total of five (5) years prior to filing the application for a bed and breakfast establishment.
2. Banquets, parties, weddings or meetings for guests or other non-family members are prohibited. Services may only be provided to overnight patrons of the facility.
3. Establishments containing three (3) to six (6) bedrooms for guests must meet the Department of Social and Health Services (DSHS) bed and breakfast guidelines administered by DSHS.
4. Bed and breakfast establishments are only allowed on resource lands (FR-80, FR-40, FR-20, AG-20, AG-10 and AG-WL) when they do not diminish the primary use of the land for long-term commercial production of forest products and other natural resources.



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## EXHIBIT 8

### 40.260 SPECIAL USES AND STANDARDS

#### 40.260.115 MARIJUANA FACILITIES

##### D. Location Standards.

1. Subject to Section 40.260.115(D)(1)(d), marijuana facilities as defined in Section 40.260.115(C) may be sited as follows:

a. Marijuana production facilities may be allowed on legal parcels of at least ten (10) acres in size zoned AG-20, ~~AG-10~~ and FR-40, ~~FR-20~~, and on legal conforming parcels zoned IL, IH, and IR.

b. Marijuana processing facilities may be allowed on legal parcels as follows:

(1) Processor I facilities, on legal conforming parcels zoned IL, IH, IR, and BP;

(2) Processor I facilities, on parcels of at least ten (10) acres in size zoned AG-20, ~~AG-10~~ and FR-40, ~~FR-20~~, but only as accessory to licensed production facilities; and

(3) Processor II facilities, on parcels zoned IH, IL, IR, and BP.

c. Marijuana retailing facilities may be allowed on legal conforming parcels zoned GC, CC, and CR-2.

## EXHIBIT 9

### 40.260 SPECIAL USES AND STANDARDS

#### 40.260.160 NURSERY SCHOOLS, PRESCHOOLS, KINDERGARTENS, COMMERCIAL DAY CARE CENTERS, AND FAMILY DAY CARE

##### B. Family day care facilities shall comply with the following criteria:

1. When located in a resource, rural or residential zone (R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, FR-40, ~~FR-20~~, AG-20, ~~AG-10~~, and AG-WL districts), no exterior structural or decorative alteration which will alter the residential character of a residence is permitted.

2. Adequate off-street parking and loading space shall be provided pursuant to Chapter 40.340.

3. Two (2) nonresident or non-family member employees are permitted if located within a resource, rural or residential zone.

4. Signage shall be limited to one (1) sign, not to exceed two (2) square feet in area, for identification purposes only.

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## EXHIBIT 10

### 40.260 SPECIAL USES AND STANDARDS

#### 40.260.170 PRIVATE USE LANDING STRIPS FOR AIRCRAFT AND HELIPORTS

All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented that the incidence of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights.

- A. Private landing strips and heliports may be permitted upon approval of a conditional use permit only in the R-5, R-10, R-20, AG-20, ~~AG-10~~, FR-40, ~~FR-20~~, IL and IH zoning districts.
- B. Heliports, helipads and helispots are permitted outright only in the FR-80 district.
- C. Private use heliports may also be permitted upon approval of a conditional use permit in the CC, ~~C-3~~, CL, GC and OR districts.

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### EXHIBIT 11

#### 40.260 SPECIAL USES AND STANDARDS

##### 40.260.210 TEMPORARY DWELLINGS

###### B. Conditions.

Temporary dwellings authorized herein shall be subject to the following minimum conditions:

1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this section; provided, that:
  - a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or parcel of which it is a part is either:
    - (1) One (1) acre or larger in size; or
    - (2) Able to comply with the residential density standards for the applicable zoning district with the addition of the temporary dwelling(s). For example, the addition of one (1) temporary dwelling on a ten thousand (10,000) square foot lot in the R1-5 zoning district with one (1) existing dwelling.
  - b. Within the agriculture and forest districts (FR-80, FR-40, ~~FR-20~~, AG-20 ~~AG-40~~):
    - (1) The additional dwelling(s) private well and septic system shall be located where they will minimize adverse impacts on resource land;
    - (2) If practical, the temporary dwelling shall be located within two hundred (200) feet of the principal dwelling.

### EXHIBIT 12

#### 40.260 SPECIAL USES AND STANDARDS

##### 40.260.250 WIRELESS COMMUNICATION FACILITIES

D. Site Location of Wireless Communications Facilities. Wireless communications facilities are permitted in any zone in the unincorporated county subject to the following preferences and the limitations in Section 40.260.250(E)(2). New wireless communications facilities shall be in conformance with all applicable standards as provided by this section.

3. Location Priorities for New Towers. The county's preferences for new support tower locations in rural areas and in urban areas are listed below in descending order with the highest preference first. There is no preference for urban versus rural locations.
  - a. Order of preference for new support towers in rural areas:
    - (1) Rural Industrial outside rural centers (IH), to include UR-20 and UR-40;
    - (2) Forest Tier I (FR-80) and Tier II (FR-40 ~~FR-20~~);

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- (3) Rural Industrial inside rural centers (IH);
- (4) Agriculture (~~AG-20~~ ~~AG-10~~);
- (5) Rural (R-20);
- (6) Rural (R-10; R-5), to include UR-10;
- (7) Rural Commercial outside rural centers (CR-1);
- (8) Rural Commercial inside rural centers (CR-2);
- (9) Rural Center Residential (RC-2.5; RC-1).
- b. Order of preference for new support towers in urban areas:
  - (1) Heavy Industrial (IH);
  - (2) Light Industrial (IL), to include UH-20;
  - (3) General Commercial (GC);
  - (4) Other commercial districts, to include UH-10;
  - (5) Mixed Use (MX) districts;
  - (6) Residential districts.

## G. Permit Process.

1. Process Review. Table 40.260.250-1 shows required levels of WCF application review in terms of district location. Each type is subject to Section 40.520.040, Site Plan Review, and Chapter 40.510, Type I, II and III processes. Proposals requiring Type III review shall necessitate approval of a conditional use permit. Facilities exempt from threshold determination and EIS requirements under SEPA are listed in WAC 197-11-800(25).

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities.			
	Collocation <sup>1</sup> on Existing Towers or Support Structures	New <sup>2</sup> Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)	Review Type <sup>3</sup>		
Industrial outside rural centers (IH)	I	I	II; III <sup>4</sup>
Forest Tier I (FR-80) and Tier II ( <del>FR-40</del> <del>FR-20</del> )	I	I	II; III <sup>4</sup>
Industrial inside rural centers (IH)	I	I	II; III <sup>4</sup>
Agriculture ( <del>AG-20</del> <del>AG-10</del> )	I	I	III
Rural (R-20; R-10; R-5)	I	I	III

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Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities.			
	Collocation <sup>1</sup> on Existing Towers or Structures	New <sup>2</sup> Attached WCFs on Existing Support Structures	New Towers Support
Rural Commercial outside rural centers (CR-1)	I	I	III
Rural Commercial inside rural centers (CR-2)	I	I	III
Rural Center Residential (RC-2.5; RC-1)	I	I	III
Urban Reserve (UR)	I	I	III
WCFs in Urban Areas (inside UGBs outside city limits)			
Urban Holding (UH)	I	I	III
Employment Zones (IL, IH, IR, BP)	I	I	II; III <sup>4</sup>
Commercial (NC, CC and GC)	I	I	III
Residential	I	I	III
Temporary Use (not to exceed 60 days)			
All districts	I	I	I

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## EXHIBIT 13

### 40.310 SIGNS

#### 40.310.010 SIGN STANDARDS

##### F. Requirements for Signs – General and by Zoning Districts.

1. Temporary Signs in Certain Commercial Zones (GC, CR-1, CR-2, NC, CC, BP, and A Zones).
3. Additional Standards for Signs Restricted by Land Use District.
  - a. Single-Family Residential Districts. Additional standards for signs in single-family residential districts are located in Table 40.310.010-2. These standards apply to the following land use districts: R1-5, R1-6, R1-7.5, R1-10, and R1-20.
  - b. Multifamily Residential and Office Residential Zones. Additional standards for signs in multifamily residential and office residential districts are located in Table 40.310.010-3. These standards apply to the following land use districts: R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30 OR-43, MU, U, and BP.
  - c. Commercial Districts. Additional standards for signs in commercial districts are located in Table 40.310.010-4. These standards apply to the following land use districts: GC, CR-1, CR-2, NC, and CC.
  - d. Industrial Districts. Additional standards for signs in industrial districts are located in Table 40.310.010-5. These standards apply to the following land use districts: IL and IH.
  - e. Rural and Resource Districts. Additional standards for signs in rural and resource districts are located in Table 40.310.010-6. These standards apply to the following land use districts: ~~AG-10~~, AG-20, ~~FR-20~~, FR-40, FR-80, AG-WL, R-5, R-10, R-20, RC-1, and RC-2.5.

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## EXHIBIT 14

### 40.320 LANDSCAPING AND SCREENING

#### 40.320.010 LANDSCAPING AND SCREENING ON PRIVATE PROPERTY

Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development											
		Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, RC, and zones	R, UH, UR	R-12 through R-43		OR, and zones	BP, U	All zones, MX <sup>C</sup>		IL, A		IH/IR	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-Family	All R1, R-5, R-10, R-20, UH-10 <sup>5</sup> , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft <sup>11</sup>	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft <sup>8, 9, 11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8, 9, 11</sup>
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 <sup>1</sup> 10-ft	L4 in 10-ft L5 in	L2 10-ft	L3 10-ft <sup>8, 9, 11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8, 9, 11</sup>

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Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development											
		Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, RC, and zones	R, UH, UR	R-12 through R-43		OR, and zones	BP, U	All zones, MX	C	IL, A		IH/IR	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
									15-ft		11		11
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 <sup>7</sup> 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 <sup>1</sup> 10-ft	L3 5-ft	L2 10-ft	L3 5-ft <sup>8, 11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8, 9, 11</sup>
Commercial and Mixed Use	All C zones, MX, UR-10	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 <sup>1</sup> 10-ft	L1 <sup>2</sup> 0-5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial and Airport	IL, A, UR-20, UH-20,	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 5-ft	L1 <sup>7</sup> 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None



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Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development											
		Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, RC, and zones	R, UH, UR	R-12 through R-43		OR, and zones	BP, U	All zones, MX <sup>C</sup>		IL, A		IH/IR	
Zoning of land abutting development site		Sep arated from site by a street	Not separated by a street	Sepa rated from site by a street	Not separated by a street	Sepa rated from site by a street	Not separated by a street	Sepa rated from site by a street	Not separated by a street	Sepa rated from site by a street	Not separated by a street	Sepa rated from site by a street	Not separated by a street
	IH/IR	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	None
Resource	FR-80, FR-40, FR-20, AG-20, AG10, AG-WL			L2 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

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## EXHIBIT 15

### 40.510 TYPE I, II, III, AND IV PROCESSES

#### 40.510.010 TYPE I PROCESS – MINISTERIAL DECISIONS

##### C. Procedure.

##### 4. Notice of agricultural, forest or mineral resource activities.

- a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (~~AG-10~~ AG-20), forest (~~FR-40~~ ~~FR-20~~ and FR-80), or surface mining (S), or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

- b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

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## EXHIBIT 16

### 40.510 TYPE I, II, III, AND IV PROCESSES

#### 40.510.020 TYPE II PROCESS – ADMINISTRATIVE DECISIONS

##### D. Procedure.

##### 5. Notice of Agricultural, Forest or Mineral Resource Activities.

- a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (~~AG-20~~ AG-40), forest (~~FR-40~~ ~~FR-20~~ and FR-80), or surface mining (S), or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

- b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

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## EXHIBIT 17

### 40.510 TYPE I, II, III, AND IV PROCESSES

#### 40.510.030 TYPE III PROCESS – QUASI-JUDICIAL DECISIONS

##### D. Procedure.

###### 7. Notice of Agricultural, Forest or Mineral Resource Activities.

- a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (~~AG-20~~ AG-10), forest (~~FR-40~~ ~~FR-20~~, and FR-80), or surface mining (S), or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

- b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

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## EXHIBIT 18

### 40.530 NON-CONFORMING USES, STRUCTURES AND LOTS

#### 40.530.010 NON-CONFORMING LOTS, STRUCTURES AND USES

##### D. Legal Nonconforming Lots.

A legal lot of record, as defined in Section 40.100.070 and created as a building site, which does not conform to minimum lot area, width or depth requirements of the zoning district in which it is currently situated may be developed, subject to the following:

1. A permitted use or structure shall meet all existing development standards of the zoning district within which it is located including, but not limited to, required yards/setbacks, lot coverage, density, parking, landscaping, storm drainage, signage, and road standards.
2. For the purpose of establishing setbacks from property lines, any residential lot of record in the rural (R-5, R-10 and R-20), resource (FR-80 and FR-40, FR-20, AG-20, AG-10, and AG-WL), urban reserve (UR-10 and UR 20) and urban holding (UH-10; and UH-20 and UH-40) districts which has a smaller lot area, width and/or depth than that required by the zone in which it is located may use that residential zoning classification which most closely corresponds to the area or dimensions of the lot of record.

## EXHIBIT 19

### 40.540.020 LAND DIVISION – INTRODUCTION

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##### B. Applicability.

##### 4. Exemptions. The provisions of this chapter shall not apply to the following:

- b. ~~With the exception of parcels in an FR-20 zoning district subject to Section 40.210.010(E)(1),~~ Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of section or larger, or twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.

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## EXHIBIT 20

### 40.560.010 PLAN AMENDMENT PROCEDURES

#### J. Additional Criteria for Rural Major Industrial Map Changes.

This section governs designations outside of UGAs for major industrial developments under RCW 36.70A.365 and major industrial land banks under RCW 36.70A.367.

1. Application. Rural industrial development sites pursuant to RCW 36.70A.365 or 36.70A.367 require a comprehensive plan and zone change, and shall be processed as a Type IV process pursuant to Section 40.510.040 and this chapter.
2. Rural industrial designations shall require a minimum of one hundred (100) acres and a maximum if seven hundred (700) acres in size, and shall be designated as follows:
  - a. Comprehensive Plan.
    - (1) Major industrial developments (light industrial).
    - (2) Major industrial land banks (light industrial).
  - b. Zoning.
    - (1) Major industrial developments (IL).
    - (2) Major industrial land banks (IL).
3. Process. Prior to formally proposing a designation under this section, the county shall:
  - a. Undertake an inventory of available urban industrial land;
  - b. Consult with affected city(ies) regarding a proposed designation;
  - c. Make a preliminary assessment that the applicable statutory criteria are met and that the proposed location is superior to other potential rural sites;
  - d. Negotiate an appropriate or statutorily required interlocal agreement with affected city(ies); and
  - e. Complete a master plan for the development site as required pursuant to Section 40.520.075.
4. Approval Criteria.
  - a. In addition to the other applicable designation criteria under this chapter, major industrial developments or major industrial land banks may only be approved upon a finding that the requirement and criteria of RCW 36.70A.365 or 36.70A.367, respectively, are met.
  - b. Concomitant Rezone Agreement. No designation under this section shall be approved unless accompanied by a concomitant rezone agreement (or development agreement) which at a minimum assures compliance with statutory requirements and criteria, including the limitations on nonindustrial uses in RCW 36.70A.367(2)(k) for a major industrial land bank.
5. Adjacent Non-Urban Areas. A designation under this section shall not permit urban growth in adjacent non-urban areas.

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### **EXHIBIT 21** *(check the rest of Title 40 for references to UR—change to 241)*

#### **40.210.041 URBAN RESERVE DISTRICTS (UR-10, UR-20)**

##### **A. Purpose.**

These lands are identified as being possible future additions to Urban Growth Areas and may be added to the urban area as necessary through amendments to the Comprehensive Plan. These lands are outside of but adjacent to Urban Growth Boundaries. The purpose of the Urban Reserve District is as follows:

1. Urban Reserve-10 (UR-10). The urban reserve-10 district is to protect land identified on the fringe of urban growth boundaries from premature land division and development that would preclude efficient transition to urban development.
2. Urban Reserve-20 (UR-20). The urban reserve-20 overlay is to protect rural land on the fringe of urban growth boundaries from premature land division and development that would preclude efficient transition to large-scale non-residential development.

##### **B. Uses.**

1. The uses set out in Table 40.210.041-1 are examples of uses allowable in the urban reserve district.
2. The appropriate review authority is mandatory.
  - “P” – Uses allowed subject to approval of applicable permits.
  - “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
  - “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
  - “X” – Uses specifically prohibited.
3. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all conditional uses:
  - a. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding urban reserve properties.
  - b. All necessary road, drainage and other rights-of-way or easements necessary to ensure that future urban development will occur in an orderly manner shall be identified and approved by the county engineer and dedicated or otherwise protected.
  - c. The property owner shall submit with the conditional use application a signed agreement(s) between the property owner and the service provider(s) that obliges the property owner to connect to public sewer and water when each becomes available within three hundred (300) feet of the site. The agreements must be consistent with Section 40.370.010.
4. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all schools:
  - a. The proponent shall demonstrate that the proposed site is more suitable than specific alternative sites within the existing urban growth area. The proponent shall address suitability criteria, which includes property size, topography, zoning, surrounding land uses, transportation (including

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- 1 adequacy of roads and transit services), environmental concerns and
- 2 location within the area to be served.
- 3 b. Schools shall be located within one-quarter (1/4) mile of the urban growth
- 4 boundary unless the applicant demonstrates no suitable property is
- 5 available.
- 6 5. Where there are special use standards or restrictions for a listed use, the
- 7 applicable code section(s) in Chapter 40.260, Special Uses and Standards, or
- 8 other applicable chapter is noted in the "Special Standards" column.
- 9
- 10

Table 40.210.041-1. Uses.			
	UR-20	UR-10	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	40.260.010
b. Family day care centers	P	P	40.260.160
c. Adult family homes	P	P	40.260.190
d. Home business – Type I	P	P	40.260.100
e. Home business – Type II	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	40.260.050
h. Garage sales	P	P	40.260.090
i. Residential care homes	C	C	40.260.180
j. Temporary dwellings	P	P	40.260.210
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	
b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040



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Table 40.210.041-1. Uses.			
	UR-20	UR-10	Special Standards
3. Services, Amusement. <sup>3</sup>			
a. Publicly owned recreational facilities, services, parks and playgrounds <sup>3</sup>	P	P	40.260.157
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club <sup>3</sup>	C	C	
c. Golf courses	C	C	
d. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
e. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
f. Equestrian events center	C	C	40.260.040
g. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational. <sup>3</sup>			
a. Public or private schools, but not including business, dancing or technical schools <sup>3</sup>	C	C	40.260.160
6. Public Service and Facilities. <sup>3</sup>			
a. Ambulance dispatch facilities <sup>3</sup>	C	C	40.260.030
b. Government facilities <sup>3</sup>	C <sup>1</sup>	C <sup>1</sup>	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
c. Housing for temporary workers	P	P	40.260.105
8. Other.			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission	P	P	40.260.240

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Table 40.210.041-1. Uses.			
	UR-20	UR-10	Special Standards
lines			
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C <sup>2</sup>	P/C <sup>2</sup>	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	C	C	
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075
g. Medical marijuana collective gardens	X	X	
h. Marijuana-related facilities	X	X	

<sup>1</sup> Government facilities necessary to predominantly serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

<sup>2</sup> See Table 40.260.250-1.

<sup>3</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

## C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.041-2 and 40.210.041-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.210.041-2. Lot Requirements.			
	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
UR-20	20 <sup>1,3</sup>	350 <sup>2</sup>	None
UR-10	10 <sup>1,3</sup>	350 <sup>2</sup>	None

<sup>1</sup> Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

<sup>2</sup> Unless a greater width shall be required by the Clark County fire code.

<sup>3</sup> Legal nonconforming lots are eligible for boundary line adjustments if each lot meets the minimum parcel size of the underlying zone and the lots are contiguous.

# DRAFT

Table 40.210.041-3. Setbacks, Lot Coverage and Building Height.						
	Minimum Setbacks <sup>4</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
UR-20	50	20, 50 <sup>1</sup>	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35, 50 <sup>3</sup>
UR-10	50	20, 50 <sup>1</sup>	20, 50 <sup>1</sup>	20, 50 <sup>2</sup>	N/A	35, 50 <sup>3</sup>

<sup>1</sup> Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

<sup>2</sup> Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

<sup>3</sup> Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.

<sup>4</sup> Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

3. Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.